

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:04CR190
)	
Plaintiff,)	
)	
vs.)	
)	
)	ORDER
ROMMEL SMITH,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion to proceed with appeal in forma pauperis (Filing No. 89). The Defendant also filed a Notice of Appeal. (Filing No. 87.)

The Defendant was permitted to proceed in district court as one financially unable to obtain adequate defense. Therefore, the Defendant may proceed on appeal in forma pauperis without further authorization, unless this Court certifies that the appeal is not taken in good faith or finds that the Defendant is not otherwise entitled to proceed in forma pauperis. Fed. R. App. P. 24(a)(3). The Court does not intend to so certify or find.

Therefore, the motion will be denied as moot, and the Defendant may proceed on appeal in forma pauperis.

IT IS ORDERED:

1. The Motion to Proceed With Appeal In Forma Pauperis (Filing No. 89) is denied as moot; and
2. The Defendant may proceed on appeal in forma pauperis.

DATED this 21st day of April, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge